

1 ERIC P. ISRAEL (State Bar No. #132426)  
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9 Attorneys for Jeffrey I. Golden, Trustee

10 UNITED STATES BANKRUPTCY COURT

11 CENTRAL DISTRICT OF CALIFORNIA

12 SANTA ANA DIVISION

13 In re

14 JAMIE LYNN GALLIAN,

15 Debtor.

Case No. 8:21-bk-11710-SC

Chapter 7

**DECLARATION OF ERIC P. ISRAEL  
REQUESTING SUPPLEMENTAL ORDERS  
ON: (1) CHAPTER 7 TRUSTEE'S MOTION  
FOR ORDER COMPELLING DEBTOR AND  
ANY OTHER OCCUPANTS TO VACATE  
AND TURN OVER OF MANUFACTURED  
HOME AND AUTHORIZING ISSUANCE  
OF WRIT OF ASSISTANCE (DK. 538); (2)  
TRUSTEE'S MOTION TO AUTHORIZE  
SALE OF MANUFACTURED HOME  
CURRENTLY LOCATED AT 16222  
MONTEREY LANE, SPACE 376,  
HUNTINGTON BEACH, CA 92649, DECAL  
NO. LBM 1081, FREE AND CLEAR OF  
LIENS AND HOMESTEAD EXEMPTION  
(DK. 539)**

Date: April 10, 2025

Time: 9:30 a.m.

Ctrm: 5C

411 West Fourth Street  
Santa Ana, California

26  
27 I, Eric P. Israel, declare as follows:

1. I am an individual over 18 years of age.

2           2.       The facts set forth below are true of my personal knowledge. If called upon to do so,  
3 I could and would competently testify as to the facts set forth in this Declaration.

3. I am a partner in the law firm of Levene, Neale, Bender, Yoo & Golubchik L.L.P., the  
duly employ attorneys for Jeffrey I. Golden, the Chapter 7 trustee (the “Trustee”) for the estate of  
Jamie Lynn Gallian (the “Debtor”).

7           4.           I personally attended the evidentiary hearing on April 10, 2025, at 9:30 a.m. I have  
8 also read the Court’s Order on: (1) Chapter 7 Trustee's Motion for Order Compelling Debtor and  
9 Any Other Occupants to Vacate and Turn Over Manufactured Home and Authorizing Issuance of  
10 Writ of Assistance (Dk. 538); (2) Trustee's Motion to Authorize Sale of Manufactured Home  
11 Currently Located at 16222 Monterey Lane, Space 376, Huntington Beach, CA 92649, Decal No.  
12 LBM 1081, Free and Clear of Liens and Homestead Exemption (Dk. 539); and (3) for Good Faith  
13 Purchaser Finding (Dk. 593) (the “Omnibus Order”).

14           5.       The Trustee requests supplemental orders on the Omnibus Order for the following  
15 reasons:

16 a. The Trustee understands that the title company may want specific language  
17 authorizing the Trustee to sign the assignment document(s) on behalf of the estate and  
18 also assign the interest of record of J-Sandcastle;

19        b. The Sale Motion sought authority to allow and pay real estate broker commissions;

c. The Trustee believes that the Omnibus Order should have a date certain by which Debtor must vacate and turn over possession to the Trustee;

d. Pursuant to the Local Bankruptcy Rules, and I understand per the requirements of the U.S. Marshal, the turnover provisions of the Omnibus Order need to expressly authorize the U.S. Marshal to take certain actions for an eviction; and

e. Just to be clear, the Trustee withdrew his request for a waiver of the stay provided in Fed. R. Bankr. P. 6004(h).

6. I believe that the above provisions all comport with the underlying sale motion (Dk. 539) and the turnover motion (Dk. 538).

7. A true and correct copy of the proposed supplemental orders are attached hereto, marked as Exhibits “1” and “2” and incorporated herein by this reference.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at Los Angeles, California, on April 14, 2025.

/s/ *Eric P. Israel*

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ERIC P. ISRAEL

# EXHIBIT "1"

1 ERIC P. ISRAEL (State Bar No. 132426)  
2 *EPI@LNBYG.COM*

3 LEVENE, NEALE, BENDER, YOO & GOLUBCHIK L.L.P.  
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8 Attorneys for Jeffrey I. Golden, Trustee

9  
10 **UNITED STATES BANKRUPTCY COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12 **SANTA ANA DIVISION**

13 In re

14 JAIME LYNN GALLIAN,  
15 Debtor.

Case No. 8:21-bk-11710-SC

Chapter 7

**SUPPLEMENTAL ORDER GRANTING  
TRUSTEE'S MOTION FOR ORDER  
COMPELLING TURNOVER OF  
MANUFACTURED HOME CURRENTLY  
LOCATED AT 16222 MONTEREY LANE,  
SPACE 376, HUNTINGTON BEACH, CA  
92649, DECAL NO. LBM1081 (DOCKET  
NO. 538)**

Date: April 10, 2025

Time: 9:30 a.m.

Place: Courtroom "5C"  
411 W. 4<sup>th</sup> Street,  
Santa Ana, California

23  
24 On April 10, 2025, 9:30 a.m., the Court held an evidentiary hearing on the Trustee's Motion  
25 for Order Compelling Turnover of Manufactured Home Currently Located at 16222 Monterey Lane,  
26 Space 376, Huntington Beach, Ca 92649, Decal No. LBM 1081 (Dk. 538). The Court on April 10,  
27 2025, having entered its Order re: (1) Chapter 7 Trustee's Motion for Order Compelling Debtor and  
28 Any Other Occupants to Vacate and Turn Over Manufactured Home and Authorizing Issuance of

Writ of Assistance (Dk. 538); (2) Trustee's Motion to Authorize Sale of Manufactured Home Currently Located at 16222 Monterey Lane, Space 376, Huntington Beach, Ca 92649, Decal No. LBM 1081, Free and Clear of Liens and Homestead Exemption (Dk. 539); and, (3) Good Faith Finding Pursuant to Section 363(M) on April 10, 2025 (Dk. 593) (the "Omnibus Order"), having read and considered the Declaration of Eric P. Israel Requesting Supplemental Orders on: (1) Chapter 7 Trustee's Motion for Order Compelling Debtor and Any Other Occupants to Vacate and Turn Over Manufactured Home and Authorizing Issuance of Writ of Assistance (Dk. 538); and (2) Trustee's Motion to Authorize Sale of Manufactured Home Currently Located at 16222 Monterey Lane, Space 376, Huntington Beach, CA 92649, Decal No. LBM 1081, Free and Clear of Liens and Homestead Exemption (Dk. 539) (Dk. \_\_\_\_), good cause appearing, it is

ORDERED THAT:

1. The Turnover Motion (Dk. 538) is granted in its entirety.
2. The Debtor and any other occupants of the Property must vacate and turn over all possession, custody and control of the Property to the Trustee by April 24, 2025.
3. The Debtor and any other occupants of the Property must leave the Property vacant and in its present, good, broom-swept condition without any refuse, trash, or personal belongings remaining.
4. The Debtor and any occupants of the Property must provide the Trustee with all keys to the Property, along with any security codes and garage door and/or gate openers, by April 24, 2025.
5. The Trustee is authorized to prepare a writ of assistance consistent with this order for issuance by the Clerk of the Court. The Trustee may levy or execute on such writ should the Debtor or any other occupants fail to timely vacate the Property as set forth in this order.
6. The United States Marshals Service (the "U.S. Marshal") is authorized to effectuate an eviction of all occupants and turn over possession of the Property to the Trustee or his agents should any occupants fail to timely comply with the deadline stated in this order, including the use of any reasonable force necessary to enforce this order. Pursuant to Local Bankruptcy Rule 7064-1(e):

1 Upon execution and entry of this Order, the United States Marshals Service [and any other  
2 executing officer authorized by the court] (collectively, the “U.S. Marshal”) is immediately  
3 directed to assist Trustee to enforce the underlying order awarding possession. Trustee and  
4 his authorized agent(s) will act as substitute custodian of any and all items of personal  
5 property seized pursuant to this Order and the U.S. Marshal shall have no liability arising  
6 from any acts, incidents, or occurrences in connection with the seizure of the personal  
7 property located at the subject real property arising in the ordinary authorized scope of duties  
8 of the U.S. Marshal (which acts do not include acts arising from negligent or intentional  
9 tortious conduct), including any third party claims and the U.S. Marshal shall be discharged  
10 of his or her duties and responsibilities for safekeeping of the seized goods. The U.S. Marshal  
11 accomplishing such eviction or seizure shall use whatever reasonable force necessary to  
12 break open and enter the subject real property regardless of whether the premises or location  
13 is locked or unlocked, occupied or unoccupied and to inspect the contents of any room,  
14 closet, cabinet, vehicle, container, desk or documents. Anyone interfering with the execution  
15 of this Order is subject to arrest by law enforcement officials

16 7. The Trustee is authorized without further Court order to remove or destroy any items  
17 of personal property remaining at the Property. The Trustee and his agents are deemed to have  
18 satisfied all obligations they may have under applicable law relating to the removal and/or  
19 abandonment of the personal property.

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# EXHIBIT "2"



1 ERIC P. ISRAEL (State Bar No. 132426)  
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Telephone: (310) 229-1234

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5 Attorneys for Jeffrey I. Golden, Chapter 7 Trustee

6  
7 **UNITED STATES BANKRUPTCY COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA**  
9 **SANTA ANA DIVISION**

10 In re

11 JAMIE LYNN GALLIAN,

12 Debtor.

Case No. 8:21-bk-11710-SC

Chapter 7

13 **SUPPLEMENTAL ORDER GRANTING**  
14 **TRUSTEE'S MOTION TO AUTHORIZE**  
15 **SALE OF MANUFACTURED HOME**  
16 **CURRENTLY LOCATED AT 16222**  
17 **MONTEREY LANE, SPACE 376,**  
18 **HUNTINGTON BEACH, CA 92649,**  
19 **DECAL NO. LBM 1081, FREE AND**  
20 **CLEAR OF LIENS AND HOMESTEAD**  
21 **EXEMPTION**

Date: April 10, 2025

Time: 9:30 a.m.

Crtrm.: Courtroom "5C"

20 On April 10, 2025, 9:30 a.m., the Court held an evidentiary hearing on the Trustee's Motion  
21 for Order Compelling Turnover of Manufactured Home Currently Located at 16222 Monterey  
22 Lane, Space 376, Huntington Beach, CA 92649, Decal No. LBM 1081 (Dk. 538); and the Trustee's  
23 Motion to Authorize Sale of Manufactured Home Currently Located at 16222 Monterey Lane,  
24 Space 376, Huntington Beach, CA 92649 (Dk. 539). The Court on April 10, 2025, having entered  
25 its Order re: (1) Chapter 7 Trustee's Motion for Order Compelling Debtor and Any Other  
26 Occupants to Vacate and Turn Over Manufactured Home and Authorizing Issuance of Writ of  
27 Assistance [Dk. 538]; (2) Trustee's Motion to Authorize Sale of Manufactured Home Currently  
28 Located at 16222 Monterey Lane, Space 376, Huntington Beach, CA 92649, Decal No. LBM 1081,

1 Free and Clear of Liens and Homestead Exemption [Dk. 539]; and, (3) Good Faith Finding  
2 Pursuant to Section 363(M) on April 10, 2025 (Dk. 593) (the “Omnibus Order”), having read and  
3 considered the Declaration of Eric P. Israel Requesting Supplemental Orders on: (1) Chapter 7  
4 Trustee's Motion for Order Compelling Debtor and Any Other Occupants to Vacate and Turn Over  
5 Manufactured Home and Authorizing Issuance of Writ of Assistance (Dk. 538); and (2) Trustee's  
6 Motion to Authorize Sale of Manufactured Home Currently Located at 16222 Monterey Lane,  
7 Space 376, Huntington Beach, CA 92649, Decal No. LBM 1081, Free and Clear of Liens and  
8 Homestead Exemption (Dk. 539), good cause appearing, it is

9 ORDERED THAT:

- 10 1. The Sale Motion (Dk. 539) is granted in its entirety.
- 11 2. The proposed overbid procedures are approved.
- 12 3. The sale by the Trustee of the entirety of the Manufactured Home Currently Located  
13 at 16222 Monterey Lane, Space 376, Huntington Beach, CA 92649, Decal No. LBM 1081 (the  
14 “Property”), including the interests of J-Sandcastle, LLC, to Greg Peplin (the “Buyer”) for  
15 \$276,000.00, is confirmed on the terms and conditions set forth in the Sale Motion and in the  
16 Purchase and Sale Agreement attached as Exhibit “1” to the Sale Motion.
- 17 4. The sale shall be free and clear of any and all liens, claims or interests pursuant to  
18 11 U.S.C. § 363(b), (f) and (h), “as is,” “where is,” with no warranty or recourse whatsoever. The  
19 Trustee having avoided and preserved the senior lien on the Property, the sale proceeds are free and  
20 clear funds of the estate.
- 21 5. The Trustee is authorized to pay brokerage commissions, ordinary and customary  
22 costs of sale (including title and escrow fees), and undisputed amounts owed to the Lender through  
23 escrow. Brokers commissions are allowed and authorized for payment as follows:
- 24 (b) 3% (\$8,280.00) to Coldwell Banker Realty; and
- 25 (c) 3% (\$8,280.00) to Real Estate Resolved.
- 26 6. The Buyer, Gregory A. Peplin, is found to be good faith purchaser within the  
27 meaning of 11 U.S.C. § 363(m).
- 28

1           7.       The Trustee is authorized to execute all documents and otherwise take all actions he  
2 deems necessary and appropriate to close the sale of the Property.

3           8.       There shall be no liability to the Trustee, in any capacity, by virtue of the sale of the  
4 Property hereinabove approved. In the event the Trustee cannot consummate the sale for any  
5 reason, the sole remedy of the Buyer shall be limited to a return of the deposit.

6           9.       Upon closing of the sale, the escrow company closing the sale shall turn over  
7 promptly to the Trustee the balance of the proceeds of sale remaining after payment of costs and  
8 allowed sums under this order, as appropriate.

9           10.      The filing of this order with the California Department of Housing and Community  
10 Development shall constitute a discharge, termination and cancellation as to the Property of all  
11 liens, without the need for reconveyance or release of such liens, encumbrances, or other interests.

12          11.      The 14-day stay imposed by FRBP 6004(h) is not waived, because the Trustee  
13 withdrew the request that it be waived at the initial hearing on March 4, 2025.

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## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 2818 La Cienega Avenue, Los Angeles, CA 90034.

A true and correct copy of the foregoing document entitled **DECLARATION OF ERIC P. ISRAEL REQUESTING SUPPLEMENTAL ORDERS ON: (1) CHAPTER 7 TRUSTEE'S MOTION FOR ORDER COMPELLING DEBTOR AND ANY OTHER OCCUPANTS TO VACATE AND TURN OVER OF MANUFACTURED HOME AND AUTHORIZING ISSUANCE OF WRIT OF ASSISTANCE (DK. 538); (2) TRUSTEE'S MOTION TO AUTHORIZE SALE OF MANUFACTURED HOME CURRENTLY LOCATED AT 16222 MONTEREY LANE, SPACE 376, HUNTINGTON BEACH, CA 92649, DECAL NO. LBM 1081, FREE AND CLEAR OF LIENS AND HOMESTEAD EXEMPTION (DK. 539)** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **April 14, 2025**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Bradford Barnhardt bbarnhardt@marshackhays.com, bbarnhardt@ecf.courtdrive.com, alinares@ecf.courtdrive.com
- Christopher L Blank chris@chrisblanklaw.com
- Aaron E. De Leest adeleest@marshackhays.com, adeleest@marshackhays.com, alinares@ecf.courtdrive.com
- Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com; Goe.RobertP.R@notify.bestcase.com; ajohnston@goforlaw.com
- Jeffrey I Golden (TR) lwerner@go2.law, jig@trustesolutions.net; kadele@go2.law; C205@ecfcbis.com
- D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; alinares@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- Brandon J. Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- Eric P Israel epi@lnbyg.com, danninggill@gmail.com; eisrael@ecf.inforuptcy.com
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- Laila Rais lmasud@marshackhays.com, lmasud@ecf.courtdrive.com; lbuchanan@marshackhays.com; alinares@ecf.courtdrive.com
- Valerie Smith claims@recoverycorp.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

**2. SERVED BY UNITED STATES MAIL:** On **April 14, 2025**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

None.

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **April 14, 2025**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

None.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

April 14, 2025

*Date*

D. Woo

*Type Name*

/s/ D. Woo

*Signature*